

REMARKS

The Section 102 Rejections

Claims 1-8, 12, 13, 15-29 and 33-41 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,442,169 to Lewis (“Lewis”). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Each of the claims of the present invention requires either non-IP based voice traffic type or a “first” traffic type to be directed to an end office/destination network element.

In contrast, Lewis discloses a system where voice traffic is not directed to an end office. Rather, as disclosed throughout Lewis, the destination end office 108 is bypassed by Lewis’ open architecture platform 402. In particular, Lewis shows a trunk 410 for delivering voice traffic to a called party 110 thereby bypassing end office (EO) 108.

In the Office Action the Examiner takes the position that Lewis’ platform 402 is equivalent to the claimed “end office”. Yet, Lewis itself treats the two separately as demonstrated by the paragraph above. Further, though Examiners may interpret claims broadly, such interpretations must be consistent with the specification, see *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000). Interpreting the platform in Lewis as an end office is inconsistent with the specification.

Because Lewis does not disclose each and every element of the present invention, Lewis cannot anticipate the claims of the present invention.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-8, 12, 13, 15-29 and 33-41.

The Section 103 Rejections

(i) Claim 14

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of U.S. Patent No. 6,292,463 to Burns et al. ("Burns"). Applicant respectfully disagrees and traverses this rejection for at least the following reasons.

Initially, Applicant notes that claim 14 is dependent upon claim 1 and is therefore patentable over a combination of Lewis and Burns because Burns does not make up for the deficiencies of Lewis as discussed above.

In addition, Applicant notes the admission by the Examiner that Lewis does not disclose or suggest the subject matter of claim 14 which is, namely, directed at a connection to a remote access server which may be selected from the group consisting of a switched connection and a soft, Permanent Virtual Circuit connection.

(ii) Claims 9, 30 and 31

Claims 9, 30 and 31 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of an article by U. Black entitled, "ATM

Foundation for Broadband Networks” (“Black”). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Again, Applicant initially notes that claims 9, 30 and 31 are dependent upon independent claims 1 and 19 and are therefore patentable over the combination of Lewis and Black for the reasons set forth above because Black does not make up for the deficiencies of Lewis discussed above.

In addition, Applicant notes the admission of the Examiner that Lewis does not disclose or suggest the use of Q.931 signaling. Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 9, 30 and 31.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 266-3330 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By: //John E. Curtin//
John E. Curtin, Reg. No. 37,602
P.O. Box 1995
Vienna, Virginia 22183
(703) 266-3330